

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TARAS NYKORIAK,

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,
INC.,

Defendant.

Case No. 13-11275

Honorable John Corbett O'Meara

**ORDER GRANTING
DEFENDANT'S NOVEMBER 7, 2013 MOTION TO DISMISS**

This matter came before the court on defendant Experian Information Solutions' November 7, 2013 motion to dismiss. The court filed a Notice of Determination of Motion Without Oral Argument November 8, 2013, indicating that a response to the motion was due December 2, 2013. Plaintiff Taras Nykoriak failed to file a response.

Plaintiff filed this lawsuit against three credit reporting agencies regarding numerous accounts currently reporting on his credit report. Two of the defendants settled the matter by deleting derogatory accounts from Plaintiff's credit report; defendant Experian is the only remaining defendant. Experian contends that it has conducted investigations with several of the creditors listed on Plaintiff's report, and the creditors continue to verify the accuracy of the accounts.

In addition, on August 6, 2013, defendant Experian served its First Interrogatories and Requests for Production of Documents on Plaintiff. Responses were due September 6, 2013; however, Plaintiff failed to respond. Experian filed a motion to compel, which was referred to Magistrate Judge Laurie Michelson. Plaintiff again failed to respond to the motion to compel. In

her October 21, 2013 order granting the motion to compel, Judge Michelson warned Plaintiff that "further noncompliance with the Federal Rules pertaining to discovery or this Order may result in the imposition of more severe sanctions, including monetary sanctions and/or the dismissal of Plaintiff's Complaint."

Discovery in this matter closed December 30, 2013. To date, Plaintiff has failed to respond to discovery requests. The court also notes that after Plaintiff's state law claims were remanded in this matter, the state court judge dismissed that case due to Plaintiff's failure to appear.

Plaintiff has failed to provide discovery in this case, has failed to abide by Judge Michelson's order, and has failed to prosecute his claims. Therefore, this court will dismiss this action to prevent further abuse of the judicial process.

ORDER

It is hereby **ORDERED** that defendant Experian Information Solutions' November 7, 2013 motion to dismiss is **GRANTED**.

s/John Corbett O'Meara
United States District Judge

Date: January 9, 2014

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 9, 2014, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager